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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,079	05/15/2001	Nigel M-F Cheung	10008017-1	2713

7590

12/22/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

MENBERU, BENIYAM

ART UNIT PAPER NUMBER

2626

DATE MAILED: 12/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/858,079	Applicant(s) CHEUNG, NIGEL M-F	
	Examiner Beniyam Menberu	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on August 26, 2005.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 13-18 is/are allowed.
- 6) ☒ Claim(s) 7 and 9-11 is/are rejected.
- 7) ☒ Claim(s) 8 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Arguments***

1. Applicant's arguments filed August 26, 2005 have been fully considered but they are not persuasive. With respect to claim 7, Lehman et al teaches adjusting the gains globally for the full calibration scan when the difference between the partial calibration scan and the full calibration scan is less than a predetermined amount (column 11, lines 17-25; Lehman et al teaches at the final step after the previous calibration steps (Figures 3-5) are within desired limits it performs gain adjustments (column 10, lines 22-27).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7, 9, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5907742 to Johnson et al in view of U.S. Patent No. 5424537 to Lehman et al.

Regarding claim 7, Johnson et al discloses a method of calibrating a scanner comprising the steps of:  
performing a full calibration scan (column 4, lines 22-32);

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performing at least one partial calibration scan (column 7, lines 44-49);

However Johnson et al does not disclose a method of comparing the full calibration scan to the partial calibration scan and adjusting the gains globally for the full calibration scan when the difference between the partial calibration scan and the full calibration scan is less than a predetermined amount.

Lehman et al disclose a method of comparing the full calibration scan to the partial calibration scan and adjusting the gains globally for the full calibration scan when the difference between the partial calibration scan and the full calibration scan is less than a predetermined amount (column 11, lines 17-25; Lehman et al teaches at the final step after the previous calibration steps (Figures 3-5) are within desired limits it performs gain adjustments (column 10, lines 22-55)).

Johnson et al and Lehman et al are combinable because they are in the similar problem area of image scanner calibration.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the method of full and partial calibration method taught by Johnson et al with the method of calibration comparison and gain adjustments as taught by Lehman et al to implement an accurate image scanner calibration method.

The motivation to combine the reference is clear because Lehman et al teach that the output can be adjusted to desired level by changing gains due to difference in outputs (column 10, line 32-41).

Regarding claim 9, Johnson et al in view of Lehman et al teach all the limitations of claim 7. Further Johnson et al disclose a method of claim 7 where the partial calibration scan does not turn off the scanner lamp (column 7, lines 55-56).

Regarding claim 10, Johnson et al in view of Lehman et al teach all the limitations of claim 7. Further Johnson et al disclose a method of claim 7 where the partial calibration scan is done periodically (column 4, lines 40-55).

Regarding claim 11, Johnson et al in view of Lehman et al teach all the limitations of claim 10. Further Johnson et al disclose a method of claim 10 where the period between partial calibration scans is based on time (column 4, lines 40-55).

***Allowable Subject Matter***

4. Claims 1-6, 13-14, 15-16, and 17-18 are allowed.
5. The following is an examiner's statement of reasons for allowance: Claims 1, 13, 15, and 17 are allowed for the reasons pointed out by Applicant's remarks (page 7, section IV, 3<sup>rd</sup> paragraph; page 11, 3<sup>rd</sup> and 4<sup>th</sup> paragraph; page 12, 1<sup>st</sup> paragraph; page 8, section V, 3<sup>rd</sup> paragraph; page 9, 1<sup>st</sup> paragraph). Claims 2-6, 14, 16, and 18 are then inherently allowable for depending on an allowable base claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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6. Claims 8 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Other Prior Art Cited***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication No. US 2002/0013675 A1 to Knoll et al disclose device/method for measuring the pose of mechanisms.

U.S. Patent Application Publication No. US 2003/0112480 A1 to Chiu disclose calibration method for image scanner.

U.S. Patent No. 6172772 to Steinle et al disclose image scanner with compensation.

U.S. Patent No. 6344910 to Cao disclose method/system for monitoring optical signal.

U.S. Patent No. 6222648 to Wolf et al disclose method/apparatus for periodically upgrading of calibration of a printer.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beniyam Menberu whose telephone number is (571) 272-7465. The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600. The group receptionist number for TC 2600 is (571) 272-2600.

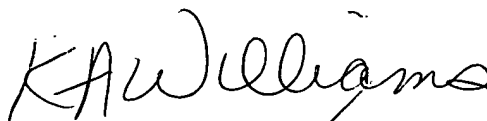
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Patent Examiner**

Beniyam Menberu

12/15/2005



**KIMBERLY WILLIAMS  
SUPERVISORY PATENT EXAMINER**